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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15 SmithKline Beecham Corporation d/b/a/
GlaxoSmithKline,

16
17 Plaintiff,

18 v.

19 Abbott Laboratories,

20 Defendant.

) **Case No. C07-5702 (CW)**

)
) *Related per November 19, 2007 Order to*
) **Case No. C-04-1511 (CW)**

)
) **DECLARATION OF ALEXANDER F.**
) **WILES PURSUANT TO CIVIL LOCAL**
) **RULE 79-5(D) IN SUPPORT OF SEALING**
) **EXHIBIT A TO THE DECLARATION OF**
) **NICOLE M. NORRIS IN SUPPORT OF**
) **DEFENDANT'S MOTION TO TRANSFER**

1 I, Alexander F. Wiles, declare as follows:

2 1. I am a partner at the law firm of Irell & Manella, counsel for Plaintiff SmithKline
3 Beecham Corporation d/b/a/ GlaxoSmithKline ("GSK") and am authorized to make this
4 Declaration in that capacity. I am licensed to practice law in the State of California. I have
5 personal knowledge of the facts and circumstances set forth in this Declaration. If called as a
6 witness, I could and would testify competently to the matters set forth herein. I make this
7 Declaration pursuant to Civil L.R. 79-5(d).

8 2. On December 11, 2007, Defendant Abbott Laboratories lodged Exhibit A with the
9 Court pending this Court's ruling on Defendant's Administrative Motion to Seal that document.
10 Exhibit A to the Declaration of Nicole M. Norris In Support of Abbott's Motion to Transfer
11 contains highly confidential sales and marketing analysis and strategies.

12 3. Good cause exists for sealing Exhibit A. Exhibit A is a GSK internal memorandum
13 discussing GSK's confidential internal view of Lexiva's performance and its failure to meet sales
14 expectations in the first few months after its launch, potential reasons for its underperformance,
15 and activities to remedy Lexiva's underperformance. The document was produced by GSK in the
16 related case *SEIU, et al. v. Abbott Laboratories*, Case No. 04-1511. GSK produced the document
17 pursuant to the protective order governing that case and designated it as "Highly Confidential"
18 under that protective order.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct.

21 Executed in Los Angeles, this 31st day of December, 2007.

22
23
24 /s/ Alexander F. Wiles
25 Alexander F. Wiles
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